

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Matthew Greenwood

v.

Civil No. 11-cv-01-JD

Merrimack County, et al.

O R D E R

Matthew Greenwood brought suit in state court, alleging a federal and state claims against Paul Sylvester and state claims against Merrimack County, arising from events while Greenwood was a pretrial detainee at the Merrimack County Jail. The defendants removed the case to this court. The court previously granted Merrimack County's motion for summary judgment on Counts II and III as to the county. A motion has been filed for summary judgment on all claims against Paul Sylvester in which counsel who represented Sylvester states in passing that Sylvester died sometime after April 15, 2011.

Because Paul Sylvester has died, the case cannot proceed as if he were still the proper party. To date, no statement noting Sylvester's death has been filed in the case, and no motion for substitution of party has been filed. See Fed. R. Civ. P. 25(a).

Conclusion

For the foregoing reasons, the motion for summary judgment (document no. 24) is terminated.

The parties shall comply with the requirements of Rule 25(a) by making the appropriate filings **on or before October 9, 2012**.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

September 20, 2012

cc: Kenneth C. Bartholomew, Esquire
Michael J. Sheehan, Esquire